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# Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/488/Add.2 and Corr.1)*]

## 69/167. Protection of migrants

*The General Assembly*,

*Recalling* all its previous resolutions on the protection of migrants, the most recent of which is resolution 68/179 of 18 December 2013, and recalling also Human Rights Council resolution 26/21 of 27 June 2014,[1]

*Reaffirming* the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race,

*Reaffirming also* that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

*Recalling* all relevant international instruments, particularly the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Convention on the Rights of Persons with Disabilities,[8] the Vienna Convention on Consular Relations[9] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[10]

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[1] See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 1249, No. 20378.

[6] Ibid., vol. 1577, No. 27531.

[7] Ibid., vol. 660, No. 9464.

[8] Ibid., vol. 2515, No. 44910.

[9] Ibid., vol. 596, No. 8638.

[10] Ibid., vol. 2220, No. 39481.



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*Acknowledging* the relevant contribution of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the international system for the protection of migrants,

*Recalling* the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want",[11] in which States are called upon to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability,

*Recalling also* the provisions concerning migrants contained in the outcome documents of major United Nations conferences and summits, including the Outcome of the Conference on the World Financial and Economic Crisis and Its Impact on Development,[12]

*Recalling further* Commission on Population and Development resolutions 2006/2 of 10 May 2006[13] and 2009/1 of 3 April 2009,[14] and its resolution 2013/1 of 26 April 2013 on new trends in migration: demographic aspects,[15]

*Taking note* of advisory opinion OC 16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC 18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, issued by the Inter American Court of Human Rights,

*Taking note also* of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*[16] and the Judgment of the Court of 19 January 2009 regarding the request for interpretation of the *Avena* Judgment,[17] and recalling the obligations of States reaffirmed in both decisions,

*Underlining* the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

*Recognizing* that women represent almost half of all international migrants, and in this regard recognizing also that women migrant workers are important contributors to social and economic development in countries of origin and destination, and underlining the value and dignity of their labour, including the labour of domestic workers,

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[11] Resolution 66/288, annex.

[12] Resolution 63/303, annex.

[13] See *Official Records of the Economic and Social Council, 2006, Supplement No. 5* (E/2006/25), chap. I, sect. B.

[14] Ibid., *2009, Supplement No. 5* (E/2009/25), chap. I, sect. B.

[15] Ibid., *2013, Supplement No. 5* (E/2013/25), chap. I, sect. B.

[16] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.

[17] Ibid., *Sixty-fourth Session, Supplement No. 4* (A/64/4), chap. V, sect. B.

*Recognizing also* the importance of the second High-level Dialogue on International Migration and Development, held on 3 and 4 October 2013, which recognized the important contribution of migration in realizing the Millennium Development Goals and recognized that human mobility is a key factor for sustainable development, which should receive due consideration in the elaboration of the post-2015 development agendas,

*Taking note* of the conclusions and recommendations of the seventh meeting of the Global Forum on Migration and Development, held in Sweden in May 2014, focused on the theme "Unlocking the potential of migration for inclusive development", which stressed the positive economic, social and cultural contributions of migrants to the development of the countries of origin and destination, and reiterated the importance of respect for the human rights of all migrants, regardless of their migration status,

*Recognizing* the cultural and economic contributions made by migrants to receiving societies and their communities of origin, as well as the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, especially in the light of the impact of the financial and economic crisis, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

*Emphasizing* the multidimensional character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of all migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of continued security concerns,

*Acknowledging* the complexity of migratory flows and that international migration movements also occur within the same geographical regions, and in this context calling for a better understanding of migration patterns across and within regions,

*Bearing in mind* the obligations of States under international law, as applicable, to exercise due diligence to prevent crimes against migrants and to investigate and punish perpetrators, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Affirming* that migrant smuggling and crimes against migrants, including trafficking in persons, continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as full respect for the human rights and fundamental freedoms of migrants,

*Stressing* the importance of regulations and laws regarding irregular migration, at all levels of government, being in accordance with the obligations of States under international law, including international human rights law,

*Stressing also* the obligation of States to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies, and expressing its concern at measures

which, including in the context of policies aimed at reducing irregular migration, treat irregular migration as a criminal rather than an administrative offence, where the effect of doing so is to deny migrants the full enjoyment of their human rights and fundamental freedoms, and in this regard recalling that sanctions and the treatment given to irregular migrants should be commensurate with their offences,

*Aware* that, as criminals take advantage of migratory flows and attempt to circumvent restrictive immigration policies, migrants become more vulnerable to, inter alia, kidnapping, extortion, forced labour, sexual exploitation, physical assault, debt servitude and abandonment,

*Recognizing* the contributions of young migrants to countries of origin and destination, and in that regard encouraging States to consider the specific circumstances and needs of young migrants,

*Concerned* about the large and growing number of migrants, especially women and children, including those unaccompanied or separated from their parents, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of those migrants,

*Recognizing* the obligations of countries of origin, transit and destination under international human rights law,

*Underlining* the importance for States, in cooperation with civil society, including non-governmental organizations, workers' organizations and the private sector, among other relevant stakeholders, to undertake information campaigns aimed at clarifying opportunities, limitations, risks and rights in the event of migration in order to enable everyone to make informed decisions and to prevent anyone from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

2. *Expresses its concern* about the impact of financial and economic crises and natural disasters on international migration and migrants, and in that regard urges Governments to combat unfair and discriminatory treatment of migrants, in particular migrant workers and their families;

3. *Reaffirms* the rights set forth in the Universal Declaration of Human Rights[2] and the obligations of States under the International Covenants on Human Rights,[3] and in this regard:

(*a*) Strongly condemns the acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply and, where needed, to reinforce the existing laws when hate crimes, xenophobic or intolerant acts, manifestations or expressions against migrants occur in order to eradicate impunity for those who commit those acts and, where appropriate, to provide effective remedy to the victims;

(*b*) Encourages States to establish or, when appropriate, strengthen mechanisms which allow migrants to report alleged cases of abuse by relevant authorities and employers without fear of reprisals, and that allow for such complaints to be addressed fairly;

(*c*) Expresses concern about legislation adopted by some States that results in measures and practices that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

(*d*) Calls upon States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime, such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

(*e*) Calls upon States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[10] as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

(*f*) Takes note of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its nineteenth and twentieth sessions;[18]

4. *Also reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(*a*) Calls upon all States to respect the human rights and inherent dignity of migrants, to put an end to arbitrary arrest and detention and, in order to avoid excessive detention of irregular migrants, to review, where necessary, detention periods and to use alternatives to detention, where appropriate, including measures that have been successfully implemented by some States;

(*b*) Encourages States to put in place, if they have not yet done so, appropriate systems and procedures in order to ensure that the best interests of the child are a primary consideration in all actions or decisions concerning migrant children, regardless of their migration status, and to use, when applicable, alternatives to the detention of migrant children;

(*c*) Encourages States to cooperate and to take appropriate measures to prevent, combat and address the smuggling of migrants, including strengthening laws, policies, information sharing and joint operational functions, enhancing capacities and support opportunities for migration in a well-managed, safe and dignified manner and strengthening legislative methods for criminalizing acts of smuggling migrants;

(*d*) Urges all States to adopt effective measures to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

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[18] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 48* (A/69/48).

(*e*) Requests States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, and to adequately train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with their obligations under international human rights law;

(*f*) Calls upon States to prosecute, in conformity with applicable law, acts of violation of the human rights of migrants and their families, such as arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from the country of origin to the country of destination and vice versa, including transit across national borders;

(*g*) Recognizes the particular vulnerability of migrants in transit situations, including through national borders, and the need to ensure full respect for their human rights also in these circumstances;

(*h*) Also recognizes the importance of coordinated efforts of the international community to assist and support migrants stranded in vulnerable situations;

(*i*) Underlines the right of migrants to return to their country of citizenship, and recalls that States must ensure that their returning nationals are duly received;

(*j*) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations,[9] in particular with regard to the right of all foreign nationals, regardless of their migration status, to communicate with a consular official of the sending State in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

(*k*) Requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

(*l*) Invites Member States to consider ratifying relevant conventions of the International Labour Organization, including Convention No. 189 on decent work for domestic workers;

(*m*) Encourages all States to remove unlawful obstacles, where they exist, that may prevent the safe, transparent, unrestricted and expeditious transfer of remittances, earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation and agreements, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

(*n*) Recalls that the Universal Declaration of Human Rights recognizes that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted to him or her;

5. *Emphasizes* the importance of protecting persons in vulnerable situations, and in this regard:

(*a*) Expresses its concern about the increase in the activities of transnational and national organized crime entities and others who profit from crimes against migrants, especially women and children, without regard for dangerous and

inhumane conditions and in flagrant violation of national laws and international law and contrary to international standards;

(*b*) Also expresses its concern about the high level of impunity enjoyed by traffickers and their accomplices as well as other members of organized crime entities and, in this context, the denial of rights and justice to migrants who have suffered from abuse;

(*c*) Welcomes immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

(*d*) Calls upon States that have not already done so to provide for the protection of the human rights of women migrant workers, to promote fair labour conditions and to ensure that all women, including care workers, are legally protected against violence and exploitation;

(*e*) Encourages States to implement gender-sensitive policies and programmes for women migrant workers, to provide safe and legal channels that recognize the skills and education of women migrant workers and, as appropriate, to facilitate their productive employment, decent work and integration into the labour force, including in the fields of education and science and technology;

(*f*) Encourages all States to develop international migration policies and programmes that include a gender perspective, in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration;

(*g*) Calls upon States to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, ensuring that the best interests of the child are a primary consideration in their policies of integration, return and family reunification;

(*h*) Encourages all States to prevent and eliminate discriminatory policies and legislation at all levels of government that deny migrant children access to education and, while taking into account the best interests of the child as a primary consideration, to foster the successful integration of migrant children into the education system and the removal of barriers to their education in host countries and countries of origin;

(*i*) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including unaccompanied children and persons with disabilities, and take into account, in conformity with their international obligations and commitments, the principle of the best interests of the child, clarity about reception and care arrangements and family reunification;

(*j*) Urges States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto[19] to implement them fully, and calls upon States that have not done so to consider ratifying or acceding to them as a matter of priority;

[19] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

6. *Encourages* States to take into account the conclusions and recommendations of the study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration[20] when designing and implementing their migration policies;

7. *Also encourages* States to protect migrant victims of national and transnational organized crime, including kidnapping and trafficking and, in some instances, smuggling, including through the implementation of programmes and policies that guarantee protection and access to medical, psychosocial and legal assistance, where appropriate;

8. *Encourages* Member States that have not already done so to enact national legislation and to take further effective measures to combat trafficking in persons and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude, exploitation, debt bondage, slavery, sexual exploitation or forced labour, and also encourages Member States to strengthen international cooperation to prevent, investigate and combat such trafficking in persons and smuggling;

9. *Stresses* the importance of international, regional and bilateral cooperation in the protection of the human rights of migrants, and therefore:

(*a*) Requests all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, transit and destination, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

(*b*) Encourages States to take the measures necessary to achieve policy coherence on migration at the national, regional and international levels, including by ensuring coordinated child protection policies and systems across borders that are in full compliance with international human rights law;

(*c*) Also encourages States to cooperate effectively in protecting witnesses in cases of smuggling of migrants, regardless of their migration status;

(*d*) Further encourages States to cooperate effectively in protecting witnesses and victims in cases of trafficking in persons, regardless of their migration status;

(*e*) Calls upon the United Nations system and other relevant international organizations and multilateral institutions to enhance their cooperation in the development of methodologies for the collection and processing of statistical data on international migration and the situation of migrants in countries of origin, transit and destination and to assist Member States in their capacity-building efforts in this regard;

10. *Encourages* giving appropriate consideration to the issue of migration and development in the preparation of the post-2015 development agenda through,

[20] A/HRC/15/29.

inter alia, integrating a human rights perspective and mainstreaming a gender perspective, and therefore:

(*a*) Requests Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Human Rights Council on the human rights of migrants, the Special Representative of the Secretary-General on International Migration and Development and the International Organization for Migration and other members of the Global Migration Group, to give due consideration to international migration in the elaboration of the post-2015 development agenda;

(*b*) Recognizes the importance of the contribution of the High Commissioner, the Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur, as well as other key actors, to the discussion on international migration;

11. *Encourages* States, relevant international organizations, civil society, including non-governmental organizations, and the private sector to continue and to enhance their dialogue in relevant international meetings with a view to strengthening and making more inclusive public policies aimed at promoting and respecting human rights, including those of migrants;

12. *Requests* Governments and international organizations to take appropriate measures to give due consideration to the declaration of the High-level Dialogue on International Migration and Development held on 3 and 4 October 2013;[21]

13. *Invites* the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its seventieth session, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

14. *Invites* the Special Rapporteur to submit his report to the General Assembly and to engage in an interactive dialogue at its seventieth session, under the item entitled "Promotion and protection of human rights";

15. *Takes note* of the report of the Special Rapporteur submitted to the General Assembly at its sixty-ninth session in accordance with resolution 68/179;[22]

16. *Takes note with appreciation* of the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants,[23] and notes the recommended principles and guidelines on human rights at international borders prepared by the Office of the United Nations High Commissioner for Human Rights referenced therein;

[21] Resolution 68/4.

[22] A/69/302.

[23] A/69/277.

17. *Requests* the Secretary-General to submit to the General Assembly at its seventieth session a report on the implementation of the present resolution.

*73rd plenary meeting*
*18 December 2014*